



COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
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**CITY OF NEWPORT BEACH
ZONING ADMINISTRATOR STAFF REPORT**

June 13, 2013
Agenda Item No. 1

SUBJECT: Port Edward Circle Lot Line Adjustment - (PA2013-042)
1985 and 1991 Port Edward Circle
▪ Lot Line Adjustment No. LA2013-002

APPLICANT: Daya Bettadapura, ABI Engineering Consultants, Inc.

PLANNER: Jason Van Patten, Planning Technician
(949) 644-3234, jvanpatten@newportbeachca.gov

ZONING DISTRICT/GENERAL PLAN

- **Zone:** PC-3 (Harbor View Hills)
- **General Plan:** RS-D (Single-Unit Residential Detached)

PROJECT SUMMARY

A lot line adjustment application to adjust the boundary between two contiguous lots. The applicant is requesting to shift a portion of the interior lot line to the north, to accommodate a future addition to an existing residence. Land taken from 1985 Port Edward Circle will be added to the adjacent lot at 1991 Port Edward Circle. There will be no change in the number of parcels.

RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Adopt Draft Zoning Administrator Resolution No. _ approving Lot Line Adjustment No. LA2013-002 (Attachment No. ZA 1).

DISCUSSION

- The applicant requests to adjust the interior lot line between contiguous lots located within the Low Medium Density Residential Area (Area 7) of the Harbor View Hills Planned Community (PC-3) Zoning District. The subject properties and those within the vicinity are developed with single-unit residences.

- The General Plan designates the subject properties as Single-Unit Residential Detached (RS-D) which is intended for detached single-family residential dwelling units on a single legal lot and does not include condominiums or cooperative housing.
- The proposed lot line adjustment will move a portion of the interior lot line between two legal lots. Land from 1985 Port Edward Circle, Lot 20 of Tract Map 7030, will be added to 1991 Port Edward Circle, Lot 19 of Tract Map 7030.
- The existing area of Lot 19 is approximately 0.36 acres (15,505 square-feet). The proposed lot line adjustment would increase the area to 0.39 acres (17,095 square-feet). The existing lot area of Lot 20 is approximately 0.32 acres (13,736 square-feet). The proposed lot line adjustment would decrease the area to 0.28 acres (12,146 square-feet). The lot line adjustment would allow for a future addition to the existing residence on the proposed Parcel 1, and the minor boundary adjustment will have no impact on access to or use of the affected properties.
- The proposed parcels comply with the Harbor View Hill Planned Community text which specifies that an average area of 7,000 square-feet shall be provided for each dwelling unit, with average area per dwelling meaning the average of all developed areas (to include parks, recreational and permanent open space) exclusive of areas dedicated for vehicular rights-of-way divided by the total number of dwelling units. In as much as the lot line adjustment will take land from one lot and give to another, the average area provided per dwelling unit remains unaffected.
- The number of parcels will remain unchanged as a result of the boundary adjustment.

ENVIRONMENTAL REVIEW

The project has been reviewed, and qualifies for a Class 5 (Minor Alterations in Land Use Limitations) categorical exemption pursuant to Title 14 of the California Code of Regulations (Section 15315, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act). The Class 5 exemption consists of minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density, including but not limited to minor lot line adjustments not resulting in the creation of any new parcel.

The proposed lot line adjustment is consistent with all of the requirements of the Class 5 exemption.


PUBLIC NOTICE

Notice of this application was published in the Daily Pilot, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicant and posted on the subject property at least 10 days prior to the decision date, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

APPEAL PERIOD:

An appeal may be filed with the Director of Community Development within ten (10) days following the date the action or decision was rendered. For additional information on filing an appeal, contact the Planning Division at (949) 644-3200.

Prepared by:



Jason Van Patten
Planning Technician

GR/jvp

Attachments:	ZA 1	Draft Resolution
	ZA 2	Vicinity Map
	ZA 3	Lot Line Adjustment Exhibits

Attachment No. ZA 1

Draft Resolution

RESOLUTION NO. ZA2013-0##

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING LOT LINE ADJUSTMENT NO. LA2013-002 TO ADJUST THE BOUNDARIES OF PARCELS LOCATED AT 1985 AND 1991 PORT EDWARD CIRCLE (PA2013-042)

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Daya Bettadapurra, with respect to property located at 1985 and 1991 Port Edward Circle, and legally described as Lot 19 and Lot 20 of Tract Map No. 7030, respectively, as per map recorded in Book 269, Pages 18 to 22 inclusive of Miscellaneous Maps, in the Office of the County Recorder, requesting approval of a lot line adjustment.
2. The applicant proposes to shift a portion of the interior lot line between contiguous parcels of land, to the north. The boundary adjustment will take land from 1985 Port Edward Circle, Lot 20 of Tract Map 7030, and add to 1991 Port Edward Circle, Lot 19 of Tract Map 7030. The lot line adjustment will increase the area of Lot 19 from 0.36 acres (15,505 square-feet), to 0.39 acres (17,095 square-feet), approximately. It will decrease the area of Lot 20 from 0.32 acres (13,736 square-feet), to 0.28 acres (12,146 square-feet), approximately. The lot line adjustment would allow for a future addition to the existing residence on the proposed Parcel 1, and the minor boundary adjustment will have no impact on access to or use of the affected properties.
3. The subject properties are located within a Low Medium Density Residential Area (Area 7) of the Harbor View Hills Planned Community (PC-3) Zoning District, and the General Plan Land Use Element category for both is Single-Unit Residential Detached (RS-D).
4. The subject properties are not located within the coastal zone.
5. A public hearing was held on June 13, 2013, in the Corona del Mar Conference Room (Bay E-1st Floor), 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. The project has been reviewed, and qualifies for a Class 5 (Minor Alterations in Land Use Limitations) categorical exemption pursuant to Title 14 of the California Code of Regulations (Section 15315, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act).

2. The Class 5 exemption consists of minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density, including but not limited to minor lot line adjustments not resulting in the creation of any new parcel. The proposed lot line adjustment will not change the number of existing parcels, will not result in any change in use or density, and is consistent with all of the requirements of the Class 5 exemption.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 19.76.020 (Procedures for Lot Line Adjustments) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

- A. *Approval of the lot line adjustment will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot line adjustment is consistent with the legislative intent of this title.*

Facts in Support of Finding:

- A-1. The proposed lot line adjustment will not change the single-unit residential use of the lots affected, and will maintain consistency with the General Plan Land Use Designation, Single-Unit Residential Detached (RS-D), which is intended for detached single-family residential dwelling units on a single lot.
- A-2. The lot line adjustment will not result in a development pattern which is inconsistent with the surrounding neighborhood in as much as the request is to accommodate a future addition to an existing single-unit residential property on the proposed Parcel 1, which is consistent with the General Plan Land Use Plan and zoning designations.
- A-3. The proposed lot line adjustment is consistent with the purpose identified in Chapter 19.76 (Lot Line Adjustments) of the Newport Beach Municipal Code. The lot line adjustment constitutes a minor boundary adjustment involving two adjacent lots where the land taken from one lot is added to an adjacent lot. The original number of lots will remain unchanged after the adjustment.
- A-4. The subdivision is consistent with the General Plan, does not affect open space areas in the City, does not negatively impact surrounding land owners in as much as it affects an interior lot line between two adjacent lots, and will not in itself be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood.

- A-5. Public improvements and infrastructure currently exist within the neighborhood and the lot line adjustment, in and of itself, will not result in the need for additional improvements and/or facilities.

Finding:

- B. *The number of parcels resulting from the lot line adjustment remains the same as before the lot line adjustment.*

Facts in Support of Finding:

- B-1. The project site consists of Lot 19 and Lot 20 of Tract Map 7030. The proposed lot line adjustment will adjust the interior lot line between two adjacent legal lots, taking land from Lot 20 and adding to Lot 19. No additional lots will result from the adjustment and the number remains the same as before the lot line adjustment.

Finding:

- C. *The lot line adjustment is consistent with applicable zoning regulations except that nothing herein shall prohibit the approval of a lot line adjustment as long as none of the resultant parcels is more nonconforming as to lot width, depth and area than the parcels that existed prior to the lot line adjustment.*

Facts in Support of Finding:

- C-1. Lot 19 and Lot 20 are within the Low Medium Density Residential Area of the Harbor View Hills Planned Community, which is intended to provide primarily for single-family residential housing and related community facilities developed under generally level topographic conditions. The proposed lot line adjustment will not change the single-family residential use of the lots affected.
- C-2. Low Medium Density Residential Areas of the Harbor View Hills Planned Community require that an average area of 7,000 square-feet shall be provided for each dwelling unit where average area per dwelling shall mean the average of all developed areas (to include parks, recreational and permanent open space) exclusive of areas dedicated for vehicular rights-of-way divided by the total number of dwelling units. In as much as the lot line adjustment will take land from one lot and give to another, the average area provided per dwelling unit remains unaffected.
- C-3. The proposed parcels will comply with all applicable regulations of the Harbor View Hills Planned Community text and zoning code, are not more nonconforming as to lot width, depth and area than the parcel that existed prior to the lot line adjustment, and there will be no change in allowed land uses, density, or intensity on the properties.

Finding:

- D. Neither the lots as adjusted nor adjoining parcels will be deprived of legal access as a result of the lot line adjustment.*

Facts in Support of Finding:

- D-1. Legal access to the subject properties from Port Edward Circle will not be affected by the lot line adjustment.

Finding:

- E. That the final configuration of the parcels involved will not result in the loss of direct vehicular access from an adjacent alley for any of the parcels that are included in the lot line adjustment.*

Facts in Support of Finding:

- E-1. The final configuration of the parcels involved will not result in the loss of direct vehicular access from any street for either parcel. Vehicular access to both parcels is taken from Port Edward Circle and the final configuration will not change this.

- E-2. There are no alleys located within or near the subject parcels.

Finding:

- F. That the final configuration of a reoriented lot does not result in any reduction of the street side setbacks as currently exist adjacent to a front yard of any adjacent key, unless such reduction is accomplished through a zone change to establish appropriate street side setbacks for the reoriented lot. The Planning Commission and City Council in approving the zone change application shall determine that the street side setbacks are appropriate, and are consistent and compatible with the surrounding pattern of development and existing adjacent setbacks.*

Facts in Support of Finding:

- F-1. The final configuration of the parcels does not result in a requirement for revised setbacks since the lots are not proposed to be reoriented. The setbacks shall continue to apply to the adjusted parcels per the Planned Community text development standards in the same way that they applied to the previous parcel configuration. Therefore, the lot line adjustment does not result in the reduction of any existing setbacks.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Lot Line Adjustment No. LA2013-002 (PA2013-042), subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective ten days after the adoption of this Resolution unless within such time an appeal is filed with the Director of Community Development in accordance with the provisions of Title 19 Subdivisions, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 13th DAY OF JUNE, 2013.

BY:

Brenda Wisneski, AICP, Zoning Administrator

DRAFT

EXHIBIT "A"**CONDITIONS OF APPROVAL**

1. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
2. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Port Edward Circle Lot Line Adjustment including, but not limited to, Lot Line Adjustment No. LA2013-002 (PA2013-042). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.
3. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 Planning and Zoning of the Newport Beach Municipal Code.

Attachment No. ZA 2

Vicinity Map

VICINITY MAP



Lot Line Adjustment No. LA2013-002
PA2013-042

1985 and 1991 Port Edward Circle

Attachment No. ZA 3

Lot Line Adjustment Exhibits

EXHIBIT "A"
CITY OF NEWPORT BEACH
LOT LINE ADJUSTMENT NO. LA 2013 - 002

RECEIVED BY

COMMUNITY

MAY 09 2013

DEVELOPMENT
CITY OF NEWPORT BEACH

(LEGAL DESCRIPTION)

OWNER	EXISTING PARCEL AP NUMBER	PROPOSED PARCELS REFERENCE NUMBERS
VMF TRUST dated November 9, 2009	458-284-04	PARCEL 1
GAEL TRUST dated July 17, 2000	458-284-03	PARCEL 2

PARCEL 1:

LOT 19 OF TRACT 7030 AS SHOWN ON MAP RECORDED IN BOOK 269 PAGES 18 THROUGH 22 MAPS RECORDS OF ORANGE COUNTY.

TOGETHER WITH THAT PORTION OF LOT 20 OF TRACT 7030 AS SHOWN ON SAID MAP DESCRIBED AS FOLLOWS:

BEGINING AT THE WEST CORNER OF SAID LOT 20 AS SHOWN ON SAID MAP;

THENCE, ALONG THE SOUTH LINE OF SAID LOT 20 SOUTH 81°33'34" EAST 84.59 FEET;

THENCE, NORTH 47°51'57" WEST 67.75 FEET TO A POINT ON THE NORTHWEST LINE OF SAID LOT 20, SAID POINT BEING NORTH 45°20'36" EAST 47.00 FEET FROM SAID WEST CORNER OF SAID LOT 20;

THENCE, SOUTH 45°20'36" WEST 47.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.39 ACRES MORE OR LESS.

PARCEL 2:

LOT 20 OF TRACT 7030 AS SHOWN ON MAP RECORDED IN BOOK 269 PAGES 18 THROUGH 22 MAPS RECORDS OF ORANGE COUNTY.

EXCLUDING THAT PORTION OF LOT 20 OF TRACT 7030 AS SHOWN ON SAID MAP DESCRIBED AS FOLLOWS:

BEGINING AT THE WEST CORNER OF SAID LOT 20 AS SHOWN ON SAID MAP;

THENCE, ALONG THE SOUTH LINE OF SAID LOT 20 SOUTH 81°33'34" EAST 84.59 FEET;

THENCE, NORTH 47°51'57" WEST 67.75 FEET TO A POINT ON THE NORTHWEST LINE OF SAID LOT 20, SAID POINT BEING NORTH 45°20'36" EAST 47.00 FEET FROM SAID WEST CORNER OF SAID LOT 20;

THENCE, SOUTH 45°20'36" WEST 47.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.28 ACRES MORE OR LESS.

THIS DESCRIPTION HAS BEEN PREPARED BY ME OR UNDER MY DIRECTION

Daniel C. Gomez
DANIEL GOMEZ, P.L.S. 5558

LICENSE RENEWAL DATE: 9/30/13



EXHIBIT "B"

CITY OF NEWPORT BEACH

LOT LINE ADJUSTMENT NO. LA 2013 - 002

(MAP)

OWNER	EXISTING PARCEL AP NUMBER	PROPOSED PARCELS REFERENCE NUMBERS
VMF TRUST dated November 9, 2009	458-284-04	PARCEL 1
GAEL TRUST dated July 17, 2000	458-284-03	PARCEL 2

THIS MAP HAS BEEN PREPARED
BY ME OR UNDER MY DIRECTION
Daniel Gomez
DANIEL GOMEZ, P.L.S. 5558
LICENSE RENEWAL DATE: 9/30/13

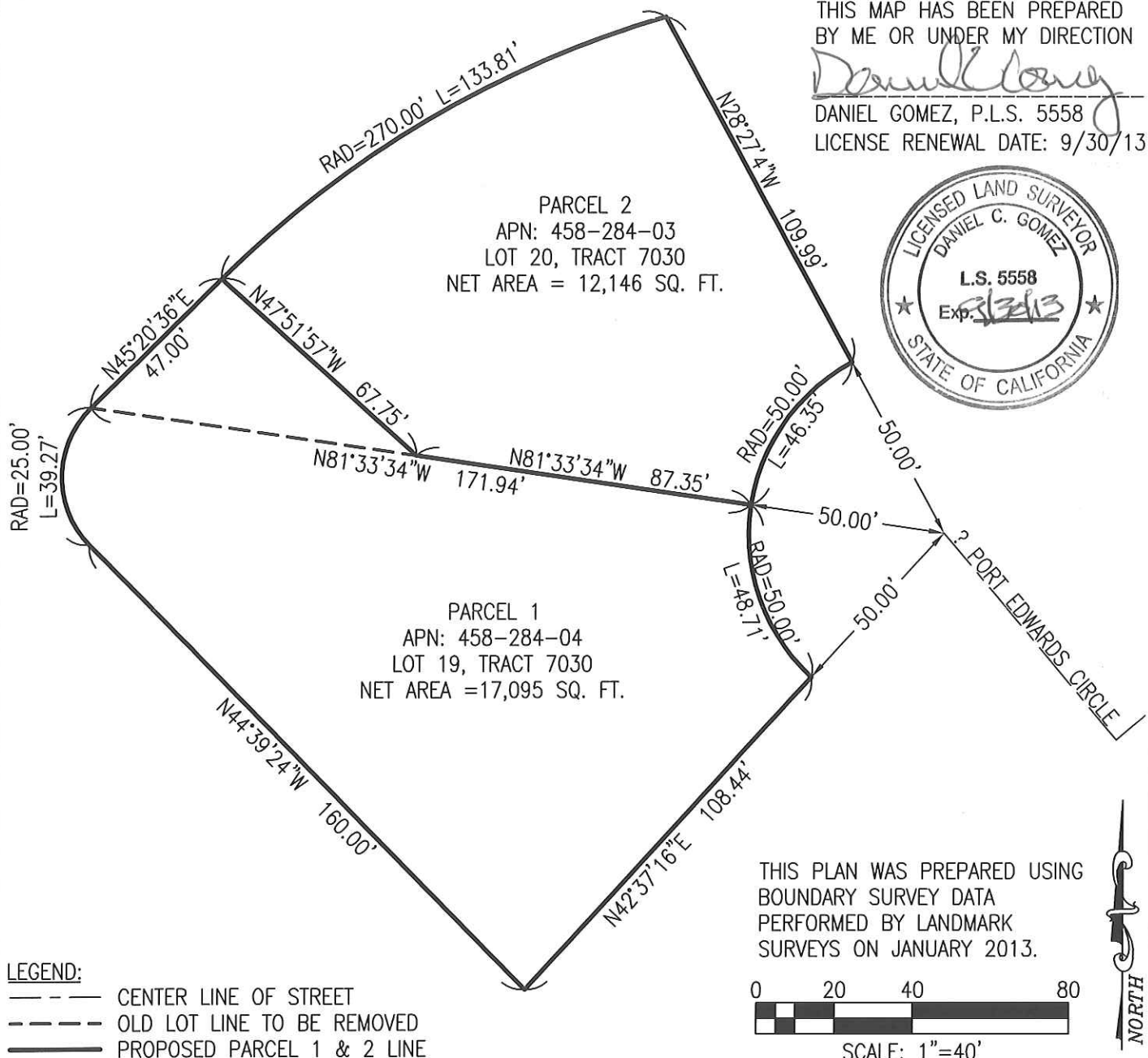


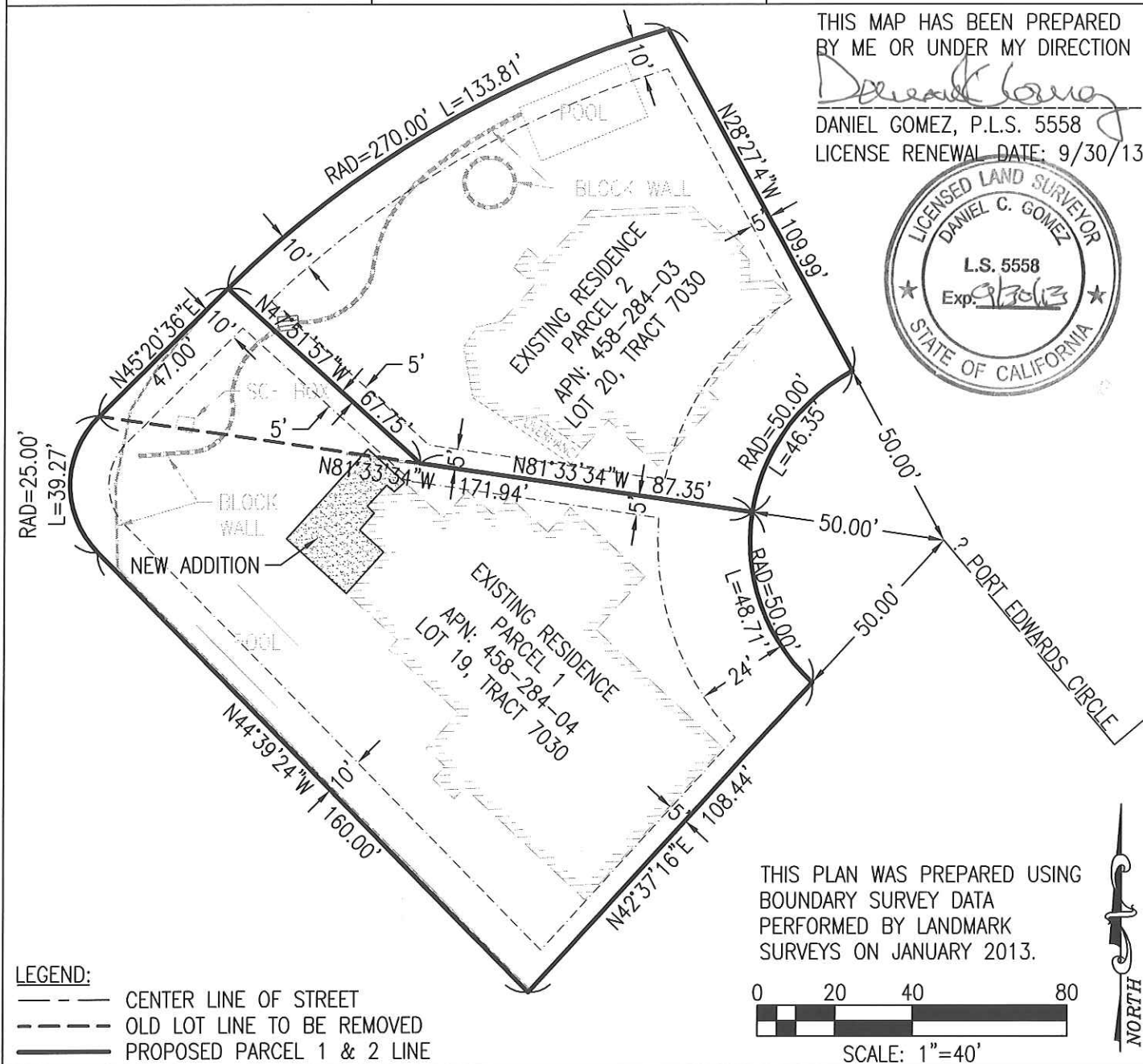
EXHIBIT "C"

CITY OF NEWPORT BEACH

LOT LINE ADJUSTMENT NO. LA 2013 - 002

(SITE PLAN)

OWNER	EXISTING PARCEL AP NUMBER	PROPOSED PARCELS REFERENCE NUMBERS
VMF TRUST dated November 9, 2009	458-284-04	PARCEL 1
GAEL TRUST dated July 17, 2000	458-284-03	PARCEL 2



To: ZONING ADMINISTRATOR
Subject: Additional Materials Received

Item No. 1a:

Comments for 6/13 ZA item PA2013-042 Port Edwards Lot Line Adjustment.

-----Original Message-----

From: ronov@cox.net [<mailto:ronov@cox.net>]

Sent: Wednesday, June 05, 2013 3:42 PM

To: Van Patten, Jason

Cc: 'Jill Schwalbe'; rprice@peridian.net; Gary Smith; Brook Morris

Subject: Public Hearing by the Zoning Administrator of the City of N. B on 6/13/13 re: Port Edward Cir. Lot Line Adjustment

Attention Jason Van Patten:

Dear Jason, it was a pleasure speaking with you this A.M. As mentioned, I am the Chair of the Architectural Review Committee for the Newport Hills Community Association (the southerly 530+ group of homes in the Harbor View (Port Streets) Community.

We have a well defined updated set of Design Guidelines and CC&R's published on our web site available to all of our homeowners.

Our Bpard and Architectural Review Committee take great pride in the resultant hundreds of replacement homes and major remoded homes that have updated this 1960/70's community, and certainly the City benefits from the significant property tax increases achieved.

We believe our success is due to the strong communication system we have with our home owners, and our on site Property Manager Jill Scwalbe, who has been our communicator for many years. Rarely, when a homeowner tries to around our regulations, we all are in trouble.

In this case, the owner/applicant for the Lot Line Adjustment chose to disregard our regulations, and without informing us of his plan of action chose to file a request with the City for this Lot Line Adjustment. Unfortunately, without any contact by the home owner to our Association, we first learned of his request to the City when we received your notice yesterday 6/4/13. Since we have no knowledge of their plans, our Property Manager has tried to reach the homeowner tday requesting information, and additionally requesting they withdraw their application for the Lot Line Adjustment until we can understand their purpose, or request at least a 2 month continuance. We're certainly anxious to work with our homeowners, but rules must be followed by all.

With no information as yet from the homeowner we would have 4 working days before the Public Hearing to provide the home owner with approvals; not pratical in any sense even if it were an urgent project, and there is no indication of such.

We are concerned about the valuable time of the City, in dealing with this request should the owner choose not to withdraw it.

Should it not be withdrawn, we would hope that the Zoning Administrator would choose to cancel the hearing or continue the hearing request to a future practical date. A questionably determined lot line adjustment for an undisclosed purpose at this time makes no sense, and if approved, our subsequent requirements could make it infeasible.

The writer is available for further discussion with you or any questions you may have, at 949 644-8644.

Much appreciation for your time.

Ron Hendrickson, Chair, Newport Hills Community Association Architectural Review Committee.